

The Bureau of Home Furnishings and Thermal Insulation of the Department of Consumer Affairs hereby proposes to repeal, adopt and amend regulations in Article 13 in Division 3 of Title 4 of the California Code of Regulations as follows:

Proposed Language

Amend the title of section 1371 and amend subdivisions (a) through (e), and repeal subdivisions (f) through (i) of Section 1371 to read as follows:

1371. Mattresses – ~~Smolder Resistance and~~ Open-Flame Resistance.

~~(a) Mattresses including futons and hybrid flotation sleep systems containing a quilted fabric cover over a traditional water filled bladder, shall meet the requirements set forth in the United States Government Standard for Flammability of Mattresses 16 CFR 1632, "Standard for the Flammability of Mattresses and Mattress Pads".~~

(a) All mattresses and mattress sets manufactured for sale in California shall meet the open-flame resistance and flammability labeling requirements of all regulations set forth in Part 1633 of Title 16 of the Code of Federal Regulations, titled "Standard for the Flammability (Open Flame) of Mattress Sets", effective July 1, 2007.

~~(b) Effective January 1, 2005, mattresses, including futons, and mattress/box springs sets, manufactured for sale in California shall meet the open-flame resistance requirements of California Technical Bulletin 603, titled "Requirements and Test Procedure for Resistance of a Mattress/Box Spring Set to a Large Open-Flame", dated January 2004.~~

(b) In addition to the standards set forth in subdivision (a), every manufacturer or importer that is subject to the standards set forth in Part 1633 of Title 16 of the Code of Federal Regulations, shall meet all other applicable requirements of that part, including 16 CFR 1633.11.

~~(c) Pursuant to Section 19161(b) of the Business and Professions Code (Bureau of Home Furnishings Act) and for the purposes of the rules and regulations, the term, "transient lodging" means: hotels, motels, inns, bed and breakfasts or similar facilities which provide lodging for travelers and tourists. "Transient lodging" does not include hospitals, nursing homes or facilities, community care facilities, elderly care facilities, facilities for the developmentally disabled or any other facility not engaged in the business of providing lodging to travelers or tourists.~~

~~(d)~~ (c) Exemptions

~~(1) One-of-a-kind (custom made) mattresses sets and mattress pads free of flame-retardant chemicals are exempt per 16 CFR 1632.1633.1, if the criteria for exclusion can be met.~~

~~(2) The mattress portion of a sofa bed is amenable if the mattress can be completely removed. If the sofa bed mattress is permanently attached, it is exempt from TB 603 per 16 CFR 1632.1(a)(2).~~

(d) For the purpose of interpreting the requirements of this section, the terms "mattress" and "mattress set" shall have the meanings set forth in section 1633.2 of Title 16 of the Code of Federal Regulations, effective July 1, 2007.

~~(e) Two-sided mattress with identical construction on both sides is subjected to one test. Two-sided mattress with different construction on one side than the other must be tested on both sides.~~

(e) Failure to comply with subdivisions (a) and (b) shall constitute grounds for discipline per Section 19210 of the Business and Professions Code.

~~(f) Mattress pad is a thin, flat, mat or cushion and/or ticking filled with resilient filling material used on top of or to cover a mattress but not intended for use as support for the body for sleeping upon.~~

~~(g) Mattresses including futons and mattress/box spring sets, shall meet the requirements set forth in the United States Government Standard for Flammability of Mattresses 16 CFR 1632, "Standard for the Flammability of Mattresses and Mattress Pads", and 16 CFR 1632.31, subdivision (b)(3) pertaining to labeling, which requires that each mattress, including futons and mattress/box spring sets or mattress pad subject to 16 CFR 1632 shall bear a permanent, accessible, and legible label containing the month and year of manufacture and the location of the manufacturer.~~

~~(h) In addition to the requirements set forth in subsection (g) of this section, all products which meet the requirements of Technical Bulletin 603 shall have imprinted on the law label following the statement required by Section 1126(d)(6), the following statement: "This product meets the requirements of the California Bureau of Home Furnishings Technical Bulletin 603".~~

~~(i) For mattresses, futons, and box spring sets and similar items. (A manufacturer may continue to use the law labels authorized by the amendment to this section filed 1-22-04 (Register 2004, No. 4) until the supply of these labels is exhausted.)~~

<i>(Space for Stitching)</i>	
UNDER PENALTY OF LAW THIS TAG NOT TO BE REMOVED EXCEPT BY THE CONSUMER.	
ALL NEW MATERIAL consisting of	←
Registry No. _____	←
Certification is made by the manufacturer that the materials in this article are described in accordance with law.	
Name/Address of Manufacturer or Vendor:	←
Finished _____ Net Wt. of Filling Size _____ Mat'l _____	
This _____ product _____ meets _____ the requirements of the California Bureau of Home Furnishings Technical Bulletin 603.	
Manufactured in: _____	

**(WHITE
LABEL)**

Minimum type
size one-eighth
inch in height, in
capital letters.

Insert description
of filling materials
by clearly
imprinting in
English, using
capital letters not
less than one-
eighth inch high.

This space
optional.

Note: Authority cited: Sections 19034 and 19161, Business and Professions Code.
Reference: Section 19161, 19081, and 19089.5 and 19210, Business and Professions
Code; and Code of Federal Regulations, tit. 16, part 1633.